

<b>Applicant</b>	Magna Casa Development II, LLC./Marbella Place	
<b>Request</b>	Site Plan Level IV Review/Yard Reductions	
<b>Location</b>	501, 519, 527 N. Birch Road	
<b>Legal Description</b>	Birch Oceanfront Sub. 19-26B, Lots 4 – 7, Block 4, P.B. 19, P.26	
<b>Property Size</b>	1.16 acres	
<b>Zoning</b>	North Beach Residential Area (NBRA)	
<b>Existing Land Use</b>	Apartment and Hotel Uses	
<b>Future Land Use Designation</b>	Central Beach Regional Activity Center (CB – RAC)	
<b>Comprehensive Plan Consistency</b>	Consistent with Future Land Use Element, Permitted Uses, Central Beach RAC	
<b>Other Required Approvals</b>	City Commission	
<b>Applicable ULDR Sections</b>	Sec. 47-12.5.E, NBRA District (requirements and limitations), 47-12.6 (design and community compatibility criteria), 47-25.3.A.3.e.iv (neighborhood compatibility) 47-24.2.A.3.d, Site Plan Level IV	
<b>Setbacks/Yards</b>	<b>Required</b>	<b>Proposed</b>
	Front (E)	20'
	Rear (W)	Half height of bldg = 41'
	Side (N)	Half height of bldg = 41'
	Corner (S)	20'
<b>Lot Density</b>	32 du/acre	31.9 du/acre
<b>Lot Size</b>	No minimum	50,491 s.f.
<b>Lot Width</b>	No minimum	80'
<b>Building Height</b>	120' (Seven Levels)	82' to top of beam 97'10" to top of roof ridge
<b>Structure Length</b>	200' maximum	150' each bldg
<b>Floor Area</b>	No minimum	Ranges from 1,789 to 4,569 s.f.
<b>VUA Landscaping</b>	N/A	N/A
<b>Landscaping Lot Coverage</b>	25% = 12,622 s.f.	25% = 12,625 s.f.
<b>Open Space</b>	N/A	N/A
<b>Parking</b>	78 spaces (based on # of bedrooms)	78 spaces
<b>Notification Requirements</b>	Sign notice 15 days prior to meeting date	
<b>Action Required</b>	Recommend approval or denial to City Commission	
<b>Project Planner</b>	<b>Name and Title</b>	<b>Initials</b>
	Angela Csinsi, Planner II	
	Chris Barton, AICP, RLA, Principal Planner	
	Greg Brewton, Acting Planning and Zoning Manager	

**Request:**

This is a Site Plan Level IV review for a proposed thirty-seven unit (37) multifamily project to be known as Marbella Place. The site is located at the northwest corner of the intersection of Riomar Street and Birch Road. This application is before the Board for a recommendation to the City Commission.

**Property/Project Description:**

The applicant proposes to build two, seven story buildings attached by a garage entrance. There are currently three buildings on site consisting of one, two and three-story residential buildings all constructed in the early 1950s with a total of thirty-seven (37) existing residential units. The site is surrounded by low and mid-rise residential and hotel/motel uses.

The site is zoned NBRA which is subject to the reduction of height and density by twenty percent (20%) as approved by City Commission April 7, 2004. The maximum height was reduced from one hundred-fifty feet (150') to one hundred-twenty feet (120') feet and the density was decreased from forty (40) dwelling units per acre (du/acre) to thirty-two (32) du/acre. The proposed project falls below the maximum height as it is eighty-two feet (82') in height and is below the maximum density allowed at thirty-one and nine tenths (31.9) du/acre.

**Parking and Traffic:**

No parking study was required because the proposed project will not increase the number of trips in the Central Beach Area. The same number of existing units will be replaced by the proposed building at thirty-seven units (37).

There are three ingress/egress points proposed. One is off of Birch Road in between the two buildings. Another is also off Birch Road but is a private drive which leads to a side entrance adjacent to an existing two-story motel. Finally, there is an entrance off of Riomar Street. This side drive acts as a private alley for the project. Seven foot wide sidewalks are proposed around the project.

The applicant is providing the exact number of parking spaces required. Multifamily uses require parking spaces based on the number of bedrooms provided. Thirty-four (34) of the units will have three bedrooms, which require 2.1 parking spaces per unit for a total of seventy-one (71) spaces. The three remaining units will have four bedrooms, which require 2.2 parking spaces per unit for a total of seven spaces. Therefore, seventy-eight (78) parking spaces are required. These spaces will be contained in a parking garage with one floor partially below grade and the second floor above up to sixteen feet (16') in height. A row of existing backout parking along Birch Road will be eliminated with this development. Three spaces will be located along the private drive adjacent to the western boundary of the site.

**Landscaping:**

Landscaping adjacent to Birch Road will consist of groupings of fourteen-foot (14') Live Oak trees and Coconut Palms. Riomar Street will be decorated with various shrubs such as Bougainvilleas, Philodendrons, and annual flowers. One Gumbo Limbo tree and one Buttonwood tree, which are located on the west side of the north building, will be preserved.

**Yard Reductions:**

<b>Building (Located)</b>	<b>Minimum Allowed</b>	<b>Proposed</b>	<b>Reduction Requested</b>
Front (E) Birch Rd.	20'	20'	None
Corner (S) Riomar St.	20'	40'	None (for bldg)
	20'	10'	10' (for pool)
Rear Property Line (W)	Half height of bldg = 41'	25'	16'
Side Property Line (N)	Half height of bldg = 41'	27'	14'

In the NBRA District, the yard requirements are listed as follows: (ULDR Sec. 47-12.5.E)

E. North Beach Residential Area (NBRA) District.

1. Setbacks.

- a. Front yard: twenty (20) feet.
- b. Side yard: one-half (1/2) the height of the building.
- c. Rear yard: one-half (1/2) the height of the building.
- d. If a development is approved as a development of significant impact, the side and rear yard requirements may be reduced as follows:
  - i. Side yard. For structures greater than one hundred fifteen (115) feet in height: forty (40) feet; for structures greater than seventy-five (75) feet in height: thirty (30) feet; for structures greater than thirty-five (35) feet in height: twenty (20) feet; for structures up to thirty-five (35) feet in height: ten (10) feet.
  - ii. Rear yard: twenty (20) feet.

Subsection E.1.d indicates that at different heights, the setbacks may be reduced to minimums listed above. At grade, the setbacks are as listed in the table above. At 58'8", the building steps back an additional 20 feet. Therefore, above 58'8", the buildings meet the half the height yard requirement. The shaded areas shown on the elevations illustrate that portion of the buildings that require yard reductions.

Riomar Street and Birch Road are both considered front yards which have a minimum setback of twenty feet (20'). There is a pool and spa located ten feet (10') from the property line along Riomar Street. Pools for multifamily projects are required to meet the minimum requirements of the zoning district. According to subsection E.1.d.i, structures up to thirty-five (35') feet may have a yard reduced to ten feet (10'). Riomar is a People Street as designated by the Fort Lauderdale Beach Revitalization Design Guidelines, which requires development to accommodate intensive pedestrian traffic and major vehicular entryways. The applicant is providing a seven-foot wide sidewalk on both streets. The proposed aluminum, open vertical bar fence on Riomar Street and adjacent pool amenity area meets the intent of the People Street requirements.

**Adequacy and Neighborhood Compatibility:**

Sec. 47-25.2. Adequacy requirements.

- A. **Applicability.** The adequacy requirements set forth herein shall be used by the city to evaluate the demand created on public services and facilities created by a proposed development permit.
- B. **Communications network.** DRC comment from Gary Gray, Information Systems states that an internal bi-directional amplifier system must be installed. Applicant will comply and this is listed as a condition of approval.
- C. **Drainage facilities.** The site has been designed to retain two and one-half (2.5") inches of runoff from the impervious surface.
- D. **Environmentally sensitive lands.** No environmentally sensitive lands are impacted.
- E. **Fire protection.** Applicant has satisfied DRC comments of Al Weber, Fire Prevention Engineer.
- F. **Parks and open space.** Park impact fee is not applicable, as site does not require platting. Open space is not required, however, twenty-five percent (25%) of site must be impervious.
- G. **Police protection.** Applicant has satisfied DRC comments of Detective Gary Gorman.
- H. **Potable water.** Applicant will satisfy City engineering standards.
- I. **Sanitary sewer.** Applicant will satisfy City engineering standards.
- J. **Schools.** Not applicable as site is not increasing density and replatting is not required.
- K. **Solid waste.** All trash from unit owners will be deposited into a trash chute on each floor. The trash dumpster will be in the lower garage level and manually taken to the western driveway on Riomar Street for pickup.
- L. **Storm water.** Adequate facilities will be provided.
- M. **Transportation facilities.** Applicant has satisfied the comments of Tim Welch, DRC Engineering Design Manager. A seven-foot sidewalk has been provided along Birch Road and Riomar Street. Street trees are located on Birch Road.
- N. **Wastewater.** Adequate facilities will be provided
- O. **Trash management requirements.** Not applicable to residential uses.
- P. **Historic and archaeological resources.** None found

- Q. **Hurricane evacuation.** The proposed development does not impair the acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity.

Staff concurs that Adequacy Criteria have been met.

#### Sec. 47-25.3, Neighborhood Compatibility

Within the Neighborhood Compatibility section are design guidelines for areas east of the Intracoastal Waterway. The *applicant* states that this project meets these guidelines as listed in **Exhibit 1**. Staff response to their comments are below.

#### *Bulk Controls*

1. Density – Agree with applicant's assessment.
2. Floor Area Ratio – Agree with applicant's assessment.
3. Height – The height limit in the NBRA zoning district is 120 feet, not 150 feet. Height limit in ABA is 200 feet, not 250 feet. However, staff agrees that the proposed height is consistent with what is allowed in the NBRA zoning district. (*See Sheet SH-1 for a context plan showing heights of surrounding buildings*).
4. Yards – Reductions must be approved by City Commission.

#### *Massing Guidelines*

1. Overall Height – The highest portion of the buildings is 97'10". Approximately 20% of the building is 58'8" and approximately 50% is at 82'.
2. Vertical Plane Moderation – Agree with applicant's assessment
3. Cornice Height – Meets ULDR
4. Façade Treatment – Meets ULDR

#### *Street Level Guidelines*

1. Active Use – Enclosed garage for residents enhances pedestrian experience.
2. Fenestration – Architectural design meets ULDR.
3. Trash/Loading Facilities – Areas will be screened from view
4. Rooftop Design - Agree with applicant's assessment

#### *Vehicular Circulation*

1. Ingress/Egress – Meets ULDR.
2. Parking – Internal structured parking is preferable to surface parking lots.

#### *Perimeter Treatments*

1. Screening – Trash, loading and equipment storage will be within building volume.
2. Paving – Meets ULDR.
3. Landscape – Street trees on Riomar, which is a People Street, is preferable.
5. Site Furnishings – No site furnishings are shown on plans.

5. Signage – Meets ULDR.
6. Lighting – Photometric levels meet code minimums and maximums.
7. Utilities – Meets ULDR.

In addition to the above, the applicant must demonstrate that the proposed project is compatible with the following:

“Development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.”

The applicant states: *“The Marbella will revitalize and enhance the NBRA zoning district, by bringing a beautifully designed, high-quality, low-density residential project to the area, while preserving the charm and character of the NBRA zoning district. The Marbella property is currently surrounded by low and mid-rise residential and hotel/motel uses and due to its size and “carriage house” style, the Marbella will be consistent and compatible with its neighbors and surrounding areas and uses.”*

The context plan on Sheet SH-1 indicates the relative sizes, setbacks and locations of the structures on surrounding sites. Sheet SH-1 also shows where the shadow will be cast at the winter and spring solstice. The Board shall consider the surrounding properties, including projects under construction, when deciding whether or not the application meets Neighborhood Compatibility.

#### **Comprehensive Plan Consistency:**

The multifamily use proposed is consistent with the Future Land Use Element, Central Beach Regional Activity Center. This section includes residential uses as a permitted use. It also states that this area was established to encourage private sector redevelopment.

#### **Prior Reviews:**

This application was reviewed by the Development Review Committee on January 27, 2004 and all comments have been addressed.

#### **Planning & Zoning Board Review Options:**

The Planning and Zoning Board shall determine whether the proposed development or use meets the standards and requirements of the ULDR and criteria for Site Plan Level IV development and shall forward its recommendation to the City Commission.

**Staff Determination:**

The applicant meets the minimum code requirements such as parking, step backs, architectural features, density, height and landscaping. It is for the Board to decide whether the proposed buildings are compatible with and preserve the character of the surrounding neighborhood.

Should the Board recommend approval, the following conditions are recommended:

1. The proposed development is in an area that has the potential to generate impacts from construction debris due to high winds and close proximity to existing uses. As such, in order to ensure that construction debris remains on site and does not become a nuisance to neighboring properties, prior to application for a building permit, a Construction Debris Mitigation Plan shall be submitted to include but not be limited to the requirements of the Construction Debris Mitigation Policy as attached, and as approved by the City's Building Official.
2. All construction will require approval from all pertinent environmental review agencies.
3. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.
4. All lighting shall be designed and arranged so that no direct source of lighting is visible from any residential property or residentially used property.
5. Applicant shall install an internal bi-directional amplifier system to address the internal building Public Safety Radio Address System coverage.
6. Final DRC approval.

**City of Fort Lauderdale**  
**Building Services Division Construction Debris Mitigation Policy**

Section 24-11 Construction Sites, of the City of Fort Lauderdale Code of Ordinances is for the purpose of controlling construction debris. In accordance with the Code, any property under construction is required to contain construction debris on the subject property site. In an effort to ensure that construction debris does not spillover onto adjacent sites, the Building Services Division will require the following mitigation measures as minimum conditions to prevent the spillover of construction debris onto adjacent properties. These measures are to be included in a Construction Debris Mitigation Plan, which will be submitted to the Building Official, prior to the issuance of a building permit for the subject project. Additional measures may be required to ensure compliance with the Code, as deemed necessary by the Building Official.

1. Extermination of the site and buildings prior to demolition. A certificate certifying that the site has been exterminated is required to obtain a demolition permit.
2. Wet demolition of existing buildings is required to minimize dust.
3. Install and maintain a 6' screening (wind blown) on all ground level perimeter site fencing to minimize dust and debris blowing out to surrounding buildings.
4. Adherence to all state and county regulations with regards to the handling of asbestos in existing buildings.
5. Provide for construction employee parking and construction staging areas, to be reviewed and approved by the City's Engineering Department, and as necessary the City's Zoning and Parking Divisions.
6. The Building Division will require measures to minimize the airborne concrete when pouring. Such measures may include, but are not limited to, use of a wet saw when cutting concrete, wind screens around saws on concrete work deck; wind screens on end of concrete pump hose, etc.
7. The Building Division will require measures to minimize airborne debris from all open floors, including but not limited to, a requirement that each floor undergoing construction activity be wrapped to control the spillover of concrete and dust onto adjacent properties.
8. Sweeping compound will be required to minimize dust when sweeping the open floors of the building.
9. Broom cleaning of adjacent streets and sidewalks is required on a daily basis.
10. A hot line telephone number for the subject property is required to address issues as they arise.
11. On site visits by City Building Inspectors and other building officials will occur, as needed, to ensure that the concerns of adjacent property owners regarding construction debris and noise are being properly and timely addressed. The costs incurred for such inspections will be borne by the applicant